

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CAROL MOCK,)	
)	
)	
Plaintiff,)	
vs.)	NO. CIV-05-1266-HE
)	
JO ANNE B. BARNHART,)	
Commissioner, Social Security)	
Administration,)	
)	
Defendant.)	


ORDER

Plaintiff Carol Mock instituted this action seeking judicial review of the final decision of the Commissioner of the Social Security Administration denying her applications for disability insurance benefits and supplemental security income benefits. Consistent with 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Doyle W. Argo, who has recommended that the Commissioner's decision be reversed and the matter remanded for further administrative proceedings. The magistrate judge found that the administrative law judge erred in his treatment of the plaintiff's treating physician opinions regarding her mental health and his discussion of only the testimony favorable to his decision. Magistrate Judge Argo also concluded that the administrative law judge's credibility analysis did not comply with the requirements of Luna v. Bowen, 834 F.2d 161 (10th Cir. 1987).

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. One

Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996), *cert. denied*, 519 U.S. 909 (1996). *See* 28 U.S.C. § 636(b)(1)(C); LCvR72.1(a). Accordingly, the court adopts Magistrate Judge Argo's Report and Recommendation, **REVERSES** the final decision of the Commissioner and **REMANDS** the case for further proceedings consistent with the Report and Recommendation, a copy of which is attached to this order.

IT IS SO ORDERED this 7th day of August, 2006.



JOE HEATON
UNITED STATES DISTRICT JUDGE